

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Mr. Muhammad E. Milhouse

pro se

Write the full name of each plaintiff or petitioner.

Case No. 23 CV 07016

-against-

Morgan and Morgan New York, PLLC.

Write the full name of each defendant or respondent.

NOTICE OF MOTION

**MEMO ENDORSED**

PLEASE TAKE NOTICE that Plaintiff Mr. Muhammad Milhouse  
plaintiff or defendant name of party who is making the motion

requests that the Court: this motion is for a Default Judgement  
against Morgan and Morgan New York PLLC according  
to Rule 4 For Violation a court order Dated 10-24-2024  
Please see the attached court order. I am asking that the  
court Grant my full Relief.

Briefly describe what you want the court to do. You should also include the Federal Rule(s) of Civil Procedure or the statute under which you are making the motion, if you know.

In support of this motion, I submit the following documents (check all that apply):

- ☐ a memorandum of law
- ☐ my own declaration, affirmation, or affidavit
- ☒ the following additional documents: court order Dated 10-24-2024

12-2-2024  
Dated

Mr. Muhammad E. Milhouse  
Name

123 East 15th Street  
Address

929-312-8619  
Telephone Number (if available)

Mr. Mc Milhouse  
Signature

N/A  
Prison Identification # (if incarcerated)

N.Y. N.Y. 10003  
City State Zip Code

Rosefieldgz@yahoo.com  
E-mail Address (if available)

The Court is in receipt of Plaintiff's motion for default judgment. (Dkt. #26, 27). Plaintiff's motion is hereby DENIED without prejudice to renew.

Plaintiff's motion is based on Defendants' failure to respond to the Complaint. (Dkt. #27). However, as the Court explained in its October 18, 2024 Order, while the U.S. Marshals Service will effectuate service, the U.S. Marshals have "90 days after the date of any summonses issued" to do so. (Dkt. #23 1 n.1). Here, the summons was issued on October 24, 2024. (Dkt. #24). The U.S. Marshals thus have until January 22, 2025, to serve this summons on Defendants. Then, Defendants will have 21 days to respond to the Complaint. Because Defendants have not yet been served, their time to respond to the Complaint has not yet expired and Plaintiff's motion is premature.

Plaintiff is reminded that if the Complaint is not served within 90 days after the date the summons was issued (which was October 24, 2024), Plaintiff should request an extension of time for service. (Dkt. #23 at 2 (citing *Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012))).

The Clerk of Court is directed to terminate the pending motion at docket entry 26.

Dated: December 11, 2024  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE